



25 MAR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Jay H. Maioli
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

In re Application of
TANAKA, Izuru
U.S. Application No.: 09/600, 925
PCT No.: PCT/JP99/06589
Int. Filing Date: 25 November 1999
Priority Date: 25 November 1998
Attorney Docket No.: 6715/60196
For: ELECTRONIC EQUIPMENT AND
OPERATION CONTROL METHOD
THEREOF

DECISION

This decision is in response to applicant's "Renewed Petition for Withdrawing the Holding of Abandonment" filed 08 March 2004. No fee is required.

BACKGROUND

On 05 January 2004, a decision dismissing applicant's petition to withdraw the holding of abandonment was mailed due to applicants' failure to provide a copy of counsel's docket records for the date upon which a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (Form PCT/DO/EO/905) mailed 08 August 2000 was due.

On 08 March 2004, applicant submitted the instant petition which was accompanied by a copy of the daily log of counsel's law firm for 08 September 2000.

DISCUSSION

To establish the failure to receive an Office communication applicant must provide (1) a statement from the practitioner declaring that the Office communication was not received by the practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant satisfied items (1) and (2) in the original petition.

The decision mailed 05 January 2004 noted that in order to satisfy the docket record requirement to prove nonreceipt of an Office communication, applicant must

provide a copy of counsel's docket records for the date upon which a response to the Notification of Missing Requirements was due. In this case the due date was 08 September 2000 (the prior decision erroneously indicated a year date of 2002).

In the renewed petition, applicant submitted the master file report for 08 September 2000. A review of this log verifies that the Form PCT/DO/EO/905 was not received in the above-captioned application. This satisfies item (3) above.

Accordingly, applicants have now met the requirements required to establish nonreceipt of an Office action.

CONCLUSION

In view of the above, the renewed petition to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment mailed 13 November 2002 is hereby **VACATED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 November 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **22 September 2003**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-645